

REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-33 remain pending in the case. Claims 1-33 are rejected. Claims 1, 10, 19 and 28 are amended herein. No new matter has been added.

35 U.S.C. §112, first paragraph

Claims 1-33 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Examiner asserts that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants have reviewed the current claims and specification and respectfully submit that the embodiments of the present invention as recited in Claims 1-33 satisfy the enablement requirement under 35 U.S.C. §112, first paragraph.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to:

In a network, a method for simulating transmission control protocol streams, said method comprising the steps of:

a) initiating at least one transmission control protocol session, said transmission protocol session requiring acknowledgement and operable to transmit data packets, said transmission control protocol session comprising a current window size and a maximum window size, said current window size defining an amount of unacknowledged data

actually being sent, said maximum window size defining an amount of unacknowledged data that can be sent; and

b) initiating an unacknowledged traffic stream for the transmission control protocol session, wherein said unacknowledged traffic stream is controlled by said transmission control protocol session such that said unacknowledged traffic stream simulates an acknowledged traffic stream.

Independent Claims 10, 19 and 28 recite similar limitations. Claims 2-9 that depend from independent Claim 1, Claims 11-18 that depend from independent Claim 10, Claims 20-27 that depend from independent Claim 19, and Claim 29-33 that depend from independent Claim 28 provide further recitations of the features of the present invention.

Claim 1, and similarly Claims 10, 19 and 28, recite the limitation of “wherein said unacknowledged traffic stream is controlled by said transmission control protocol sessions such that said unacknowledged traffic stream simulates acknowledged traffic streams.” With reference to the current specification, it is stated that “[f]or each TCP stream, an unacknowledged traffic stream is initiated and directly tied to a referencing TCP stream and is controlled (e.g. rate limited) by the referenced TCP stream” (page 4, lines 17-19). As claimed, the transmission protocol session requires acknowledgement. As recited in the specification, an acknowledgement mechanism may be included in a TCP transmission (page 12, lines 9-14).

Moreover, the current specification also recites that “[i]n one embodiment, the unacknowledged traffic stream operates at a significantly higher rate than the

referencing TCP stream. In the event of a TCP stream dropping a packet, the TCP stream to go through a time-out interval and retransmit the data at a lower speed. The accompanying unacknowledged high speed stream will back off at the same rates as the TCP stream, thus simulating acknowledged traffic.” (page 14, lines 10-15).

As described in the specification, the unacknowledged stream is controlled by the TCP stream such that the unacknowledged stream will back off at the same rates as the TCP stream. Accordingly, the unacknowledged stream simulates an acknowledged stream.

Applicants respectfully assert that Claims 1, 10, 19 and 28 overcome the rejection under 35 U.S.C. § 112, first paragraph. Therefore, Applicants respectfully submit that the additional claimed features of the present invention as recited in Claims 2-9 that depend from independent Claim 1, Claims 11-18 that depend from independent Claim 10, Claims 20-27 that depend from independent Claim 19, and Claim 29-33 that depend from independent Claim 28 also overcome the rejection under 35 U.S.C. § 112, first paragraph. As there are no other rejections of record, Applicants respectfully assert that Claims 1-33 are now allowable.

CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-33 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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